1237

SEP 2 3 1999

FWA
Family Water Alliance

(530) 438-2026
Fax: (530) 438-2940
E-mail: fwa@mako.com

"Every Day is Earth Day on the Farm"

P. O. Box 365, Maxwell, California 95955

September 21, 1999

Mr. Rick Breitenbach
CALFED Bay/Delta Program
1416 Ninth Street, Suite 1155
Sacramento, CA 95814

Re: CALFED Bay/Delta Program Programmatic EIS/EIR

Dear Mr. Breitenbach:

Thank you for the opportunity for Family Water Alliance to provide written comments on the CALFED Bay/Delta Program Programmatic EIS/EIR. Our organization's comments are enclosed.

Virtually every component of the draft program, as now written, would result in significant adverse redirected impacts to agriculture and agricultural communities in Northern California.

Our organization would expect Northern California communities to oppose the CALFED program in the strongest terms unless it is substantially revised to address and resolve the concerns noted in our comments.

Sincerely,

Family Water Alliance

By: _____
Susan A. Sutton, Executive Vice President

Enclosure

FWA
Family Water Alliance

(530) 438-2026
Fax: (530) 438-2940
E-mail: fwa@mako.com

"Every Day is Earth Day on the Farm"

P. O. Box 365, Maxwell, California 95955

Family Water Alliance
CALFED General Comments

Family Water Alliance has reviewed the Draft EIS/EIR on the CALFED Bay-Delta Program filed on June 25, 1999. After careful consideration of the over 4,600 page document, FWA has concluded that various elements of the draft report significantly impact the custom and culture of northern California. The North State will be dramatically influenced by the implementation of the CALFED Bay-Delta Program because of its predominantly agricultural economic base. CALFED's interference with self-determination, and disregard for the importance of local control are also matters of grave concern. Family Water Alliance hereby submits the following remarks based on the shared interests of local government and North State communities and citizens, who value the unique culture and custom of northern California.

Habitat Restoration

Local control is paramount to the stability of northern California. Through local representation, citizens have the ability to determine not only their individual role in the community, but also the direction of the community as a whole. While the CALFED program appears to support local control, further inspection reveals a systematic attempt to overrule local representative government. The entire CALFED process intended to "link human activities to valued outcomes" re-directs the form and function of local government from its historical purpose of meeting human needs to meeting environmental needs. This re-direction is apparent in several elements of the draft report, paving the way for a collision between CALFED and county ordinances and policies. The CALFED vision, in partnership with fifteen state and federal agencies, to successfully "restore and rehabilitate the natural processes that create and maintain the important elements of the ecosystem structure," including the specific definition of ecosystem rehabilitation as "the process by which resource managers re-establish or refurbish key elements of the ecological structure and function," encroaches upon private property rights, the authority of county government, and the ability of local citizens to determine the direction of local policy.

The goals of environmental restoration must be realistic and reasonable. However, CALFED habitat restoration proposals continue to evidence a top down approach without attention to local economics, and historical cultural practices. Historical land use, local conditions, and necessary cultural practices associated with productive agriculture must be embodied in the solution principles. Wide scale changes in local practices cannot be

based on a series of assumptions or unproved technologies and methods. The draft program report characterizes such intended changes as an "irreversible and irretrievable commitment of resources." The permanent loss of both agricultural lands and water, and the micro management of county resources will adversely impact Colusa County and its citizens, conflict with the proper functioning of local government, and intrude on the rights of citizens for self-determination.

The CALFED draft also persists in its proposal to retire 931,630 acres of productive ag land statewide through purchase, cooperative management, or environmental regulation. There is still no explanation of the term "co-operatively manage" even though this proposal impacts 111,285 acres in the Colusa Basin Ecological Management Zone. Northern California citizens and private landowners cannot be expected to support any plan containing terminology with no clearly defined meaning while implying that agencies, and/or environmental interests, will be partners in the management of private property. Drastic reductions in productive acreage represent an assault on the tax base and economic underpinnings of communities. Additionally, such reductions threaten ag related businesses including rice mills, implement dealers, tomato processors, warehouses, and third party interests such as hardware stores, grocery stores, and other retailers.

CALFED also proposes the conversion of ag lands from crop types of low forage value to crops of higher forage value for wintering waterfowl and other wildlife, and further that rice producers defer fall tillage in their fields to increase forage for winter waterfowl. This completely ignores local economics. In the rush to control, CALFED has obviously forgotten that a farm is an economic unit designed to support the families of both farmers and farm workers.

Habitat for species should be concentrated first on public lands. Only after this space is maximized for habitat and species protection should private lands be considered for species enhancement. The conversion of ag ground to habitat creates conflict with local zoning, and local right to farm ordinances. Neighbors are impacted by predation, the migration of foraging wildlife into producing fields, which reduces crop yields and family income. The resolution of disputes over local zoning issues results in increased cost to local government. CALFED offers no solution other than the vague suggestion of mitigation without outlining a procedure. Will CALFED reimburse neighbors for their loses and local governments for the expense incurred as a result of habitat creation?

Payment in lieu of taxes (PILT) is another issue related to the conversion of ag land through purchase by state and federal agencies. Currently, Colusa County subsidizes 13,000 acres of wetlands in three state and federal refuges because in-lieu taxes remain unpaid. Over $800,000 is now due, and the amount is certain to increase as federal and state ownership of land expands under the CALFED plan. These unpaid taxes are an unfair financial burden carried by county citizens, and based on this record of payment, purchases or conversions of land must cease until full restitution of the PILT is made to all counties, and communities. As an example, 17% of all land in Colusa County (see attached charts) is dedicated to wildlife habitat. Any expansion of wetlands, or wildlife

habitat without remuneration to the County for the loss of tax base, or PILT will directly impact the economic stability of Colusa County.

Flood control is another critical local issue that is extremely important to the economic security of northern California, and more importantly, to the health and safety of its citizens. CALFED's goal of intervention, manipulation, and micro-management of ecological processes in the area of flood control places state residents in harms way. The set back levees, increased meander zones, and larger flood plains proposed by CALFED will only intensify the hazardous conditions present during flood years. These actions will also jeopardize the structural integrity of bridges, overpasses, surface roads, and the levee system itself. The CALFED plan for set back levees is not only expensive, but it fails to address key questions related to the implementation of such a plan. Is the use of set back levees only a current trend, or is it a scientifically documented and effective means of flood control? When CALFED creates an aneurysm (set back) along the levee system, who pays when it fails? Who mitigates the adjoining landowner for property loss? Who maintains the set backs? Who rebuilds, repairs, and maintains the levees? Will accountability be set in policy, or will the fifteen CALFED agencies play the "blame game", and fail to address the problem? None of these questions are resolved within the program report. Northern California has experienced the devastation of natural floods with the resulting loss of property, and wildlife, and cannot afford to become the laboratory for an experiment with meander zones and set back levees. It is patently unfair that the citizens of any county become victims of an unproven theory. Family Water Alliance absolutely opposes set back levees and meander zones. Not one life should be sacrificed in the name of habitat restoration.

CALFED restoration programs and policies need to be consistent. One restoration goal of CALFED is to protect and enhance species communities, and habitats by reducing the impact of non-native species, both aquatic and terrestrial. However, millions of dollars will be funneled into a striped bass species enhancement program in support of a non-native predator. Funding such a project is in direct conflict with CALFED's own policy of reduced impacts, and clearly reduces the effectiveness of projects designed to encourage the recovery of endangered salmon species. It also dilutes the available funding resources for other projects that might lead to the de-listing of the salmon. Such a conflict is questionable when water deliveries within northern California are already limited or threatened by the enforcement of the Endangered Species Act, and the welfare of its citizens hangs in the balance.

The Colusa Basin Drain, in part located in Colusa County, is located within the CALFED Colusa Basin Ecological Management Zone. In the draft report, CALFED references thermal impacts from the Drain and suggests the possibility of temperature controls on water leaving the Drain to re-enter the Sacramento River. Temperature controls will require the injection of massive amounts of water into the Drain, or the intermediate action of diversion to a settling pond. Neither alternative is reasonable. The Drain should not be considered as a waterway nor treated as a tributary requiring restoration, as it is man-made and was never intended to support fish populations.

Although ERP implementation costs exceed $1.5 billion, there is a limited source of available funds to support initial restoration actions. Therefore, it is imperative that Stage I Projects demonstrate clear habitat benefits that justify these expenditures. One such expenditure is the screening of agricultural diversions. CALFED must continue to encourage the voluntary screening of agricultural diversions in the Sacramento Valley, and provide funding which supports these efforts.

In the past five years, many Sacramento Valley water users have initiated far-reaching efforts to screen diversions, refurbish fish ladders, construct siphons, remove dams, and implement other habitat improvement projects, to enhance the environment. In the next five years, significant progress towards development of new fish screens will be made by the Tehama-Colusa Canal Authority, Glenn-Colusa Irrigation District, as well as other large, and small diverters throughout the Sacramento Valley. All of the CALFED fishery agencies have acknowledged the importance, and utility of screening. These projects, in addition to keeping water users "whole," will significantly improve the fishery resource, and document real on the ground projects that work.

WATER SUPPLY

A secure long-term water future for all the citizens of California will only be possible through the development of new surface water supply in the form of additional off-stream storage and reservoirs. Short-term environmentally correct fixes will not meet the needs of a population that is projected to increase to 45,000,000 people by the year 2020, an issue not addressed by CALFED. Family Water Alliance strongly supports additional storage facilities both north and south of the Delta, recognizing that storage is the sole component of CALFED that will meet the demands of an ever-growing population. It is also, in fact, the only benefit to the north state within the entire CALFED plan. Furthermore, FWA will not support a final decision that does not include the immediate and simultaneous construction of off-stream storage in the North State. However, in the current draft, off-stream storage lags behind environmental restoration. Off-stream storage of surface water must be elevated to the same status and receive the same emphasis as other components of the CALFED plan.

The Integrated Storage Investigation (ISI) program, as currently articulated, will not provide answers sufficient enough to evaluate the non-structural alternatives such as water efficiency methods, and conjunctive use. Thus, the suggestion that the programmatic EIR/EIS will support storage is only a tactic to placate proponents of storage. Storage must be incorporated into the mix now!

- The CALFED plan places storage in a seven-year holding pattern while all other conservation and water efficiency measures are implemented and assessed. This prerequisite ignores the fact that water conservation alone will not keep pace with projected population growth and that diversion of irrigation water to habitat restoration does not save water. Statistics issued in a report by Senator Johannessen's Interim Report of the Senate Select Committee on the CALFED Water Program graphically

illustrates that agriculture uses less water than habitat lands (see attached chart on Identifiable Water Use for ERPP). Losses of surface water supply that further impact the CALFED sphere of influence such as the CVPIA, and Trinity River decision must be included in projections of total water availability vs. projected total need. Consequently, it is imperative that construction of off-stream storage areas such as the Sites Reservoir in Colusa County do not lag behind the other components in CALFED. Construction plans and permits must be considered and implemented concurrent with environmental projects to assure adequate and reliable supplies for the future. Off-stream storage is the only effective mitigation for water that will be diverted for environmental purposes, and transferred south of Sacramento.

Financing of structures associated with increased water supply should be spread over the broad base of the population rather than through user fees as the benefits of increased water supply, improved water quality, and ecological restoration are public advantages shared by all California citizens.

Ground water banking and conjunctive use are considered viable options for storing and transferring water. Under these programs surface water is diverted for agriculture, or urban use during wet years which allows the aquifer to recharge. During dry years water is extracted from ground storage to meet these needs while the surface water is transferred.

Conjunctive use and water storage relates directly to water transfers. Currently the size of the Colusa Basin aquifer, and the quantity and quality of groundwater resources in the Sacramento Valley has not been determined. While local efforts are attempting to determine the viability of conjunctive use through 3030 plans, and water ordinances are being implemented to protect groundwater, large and long term water transfers should not be viewed as the solutions to water deficiencies in other parts of the State.

Water transfers that rely on conjunctive use can adversely affect rural source areas in many ways. Agriculture in the source/supply areas of the transferred water may suffer due to a lowering of the water table and subsidence. Local economies and the social well being of rural citizens may suffer due to changes in income and employment. The rural environment will be severely impacted if the aquifers are overdrafted. Prior to implementation of conjunctive use programs thorough local studies must determine the amount and recharge ability of local aquifers. Any state, or federal conjunctive use programs must comply with local groundwater ordinances.

Water supply dynamics will also be changed by creation of the Environmental Water Account (EWA) as planned by CALFED. While this may appear to be a reasonable way to disperse funds to purchase water and facilities for environmental purposes, history has proven that environmental interests are insatiable. The idea of putting them on an allowance ignores the incremental approach of land acquisition and control over private property and water. While certain allocations to the environment will be made through the EWA, environmental law such as the ESA, or Clean Water Act, will be used to secure additional water to species, and habitat restoration. If the EWA is implemented, a cap on

total available water must be identified to assure that all water interests receive fair and equitable water distribution based in water right law. Off stream storage **must** be developed prior to initiating the EWA. In addition, no **permanent** fallowing of ag ground should be done to accomplish this end. CALFED should not rely on Northern California water supplies or facilities, which are already committed to serve farms, families, cities, and habitats in this region to meet environmental demands in the Delta.

WATER QUALITY and WATER USE EFFICIENCY

CALFED's proposals to improve water efficiency and quality will place further stress on an agricultural environment that is already suffering. While the practice of water conservation has reduced pesticide concentration in the Sacramento River, it has also increased field salinity. Northern California is currently exhibiting impacts from salinity increases on land that has been managed under strict conservation methods for the past few years, and elevated salinity levels have been noted in associated groundwater sources as well. Research from the USDA/ARS and the University of California Cooperative Extension has developed evidence that points to salinity as the cause of reduced rice yields in several locations in Glenn and Colusa Counties. The university's research indicates that "rice yields decrease in a linear fashion as the electrical conductivity of the soil increases. The electrical conductivity of the water is an indicator of the salinity hazard and increases in direct proportion to the salt concentration in the water." In addition, the study showed a "rapid decrease in seedling density with relative small increases in salinity." The research also showed that the salinity in the lower basins was substantially higher than the top basins. The issue here is not only understanding cause and effect, but the violation of the CALFED principle of *no re-directed impacts*, or *we all get healthy together*. Relying on conservation methods that deteriorate productive northern California ag ground in order to deliver water of improved quality to areas south of Sacramento is not getting healthy together. Soils that are high in salt are also limited in cropping choices. Northern California must not be limited to sugar beets, alfalfa, and cotton.

An improved efficiency program must recognize a baseline level of local water requirements that considers salinity conditions. Costs to implement the improved efficiency measures must be borne by the state and federal government rather than by the farmers.

CALFED's objective to control the Total Daily Maximum Load (TDML) of sediment, pesticides, and herbicides into the Sacramento River places them in partnership with the Environmental Protection Agency and the Clean Water Act. The California State Legislature is also considering legislation that would monitor and control TDMLs. Implementation of TDML control will open the door for discharge permits for the 84,000 farms in California. A permit process would dictate cropping patterns, rangeland activities, and essentially turn every private landowner into a tenant farmer. Further,

property encumbered by a permit process will decrease in market value contributing to the continuous erosion of the county tax base.

While the goal of contaminant reduction is beneficial, contaminant studies must be based on sound science not assumptions, and must be evaluated by a peer review panel. Any monitoring programs must be developed locally and managed with the cooperation of local stakeholders to assure that the process is fair and uses sound scientific methodologies. Water quality goals must be realistic and reasonable. The water quality goal of 50-ppb bromide and 3 ppm total organic carbon (TOC) may be too high to achieve over the next seven years. The ability to meet these standards will determine whether or not a peripheral canal will be necessary. It appears that the CALFED standards as expressed in the draft report are setting the stage to develop a rational for construction of the canal in seven years. What is the scientific basis for setting these standards at this level?

The efficient use of water is obviously laudable; however, it must never undermine Area of Origin or water rights. The efficiency component also includes the possibility of water metering that not only raises questions about water use, but also about on farm cost. The water efficiency component of CALFED is ripe with punitive action that is referred to as incentive based. For instance, water efficiency measures must be adopted before an entity can receive water from the drought water bank, receive new water, or transfer water. The most alarming condition is "...CALFED will evaluate the need for additional state regulations or legislation providing protection for water rights holders who have implemented water use efficiency measures and subsequently transferred water to other beneficial uses." CALFED is trifling with state water law and area of origin.

The goal of CALFED should be to make each region in California self-sufficient in regard to water supply, and demand. Storage both north, and south of the Delta is essential to balance supplies. In addition, the southern part of the State should invest in desalinization, and water conservation technology that will add to total availability to meet future needs rather than looking to the northern part of the State to supply ever increasing needs.

WATERSHEDS

CALFED states that demonstration watersheds will serve as laboratories to test assumptions and hypotheses about ecosystems, and the interplay of stressors on the health of the watershed. Colusa County does not want its citizens to be part of an ecological/social experiment. The health and safety of people is at stake. The watershed approach will include all the land that drains into a stream or river. This encompasses not only a huge expanse of land, but families and communities as well.

Prior to moving forward with such CALFED laboratories, all citizens within the watershed need to be aware of the proposed watershed declaration, and be involved from the ground up since implementation will be in their backyard. No new agencies or

authorities need to be developed to assist in watershed management. Local county government in conjunction with landowners are the best suited to act as their own watershed steering committees. Agency expertise should be used in an advisory capacity, and only at the request of the local steering committee. This process must not be a top down approach. Agencies and environmentalists without a real understanding of the local land use policies and practices often develop and recommend solutions that are not realistic. Assuring that the process is landowner based will provide realistic solutions to environmental issues.

CALFED is proposing to spend $63 million on watershed activities in the first two years of the program. A portion of this funding should be redirected toward projects that provide documented benefits to the environment, and water supplies. Such projects would include the Sites reservoir, and fish screens.

ASSURANCES

Family Water Alliance calls for the following assurances that will begin to correct the imbalance of the CALFED program while protecting the custom and culture of Colusa County. However, this should not be considered as a complete list of guarantees required by the north state.

- Area of Origin is of key importance to the citizens of the North State. Legally binding assurances regarding Area of Origin must be part of the CALFED document.

- An adequate and reliable water supply with attendant water rights is critical to the ongoing economic and environmental health of rural counties, now and in the future. These water rights and promises must be upheld in the form of legally binding assurances.

- Regulatory provisions associated with CALFED, and all other regulations such as the ESA, and Clean Water Act must be integrated in a reasonable and balanced manner that minimizes the impacts to families, communities, and the economy.

- The "share the pain" ideology whereby priority water rights are ignored or manipulated cannot become policy. Property rights, water right priorities, and Area of Origin protections must be honored.

- Economic impacts must be analyzed in relationship to families and communities in proposed action areas.

- The development and construction of surface water storage must be part of total water availability.

- Off-stream surface water storage plans must proceed simultaneously with environmental and habitat restoration.

- There should be no tax or fee associated with the use or ownership of water. User fees should not be used to finance ecosystem or watershed activities, or new infrastructures.

- Program elements that provide broad public benefits to meet national environmental agendas should be funded by the State or nation as a whole and not fall on the backs of rural citizens alone.

- There must be continuity of policy over the current thirty-year life span of CALFED.

- CALFED must develop and assure safe harbor for habitat and species enhancement.

- The acquisition or conversion of ag land for habitat purposes must not be exempt from the California Environmental Quality Act (CEQA) under the Class 15 Categorical Exemptions section.

- CALFED must not diminish the authority of county government and must conform to local county land use authority powers.

- We must all get better together.

RE-DIRECTED IMPACTS

Family Water Alliance submits the following list of potential impacts to the economic stability of Colusa County and its citizens.

POTENTIAL IMPACTS TO NORTHERN CALIFORNIA	
Impacts to Citizens	**Impacts to Counties**
Decreased health and safety	Reduced income
Decreased mobility in times of flood emergency	Increase in social service demands
Degradation of soil through silt and salt deposits	Increased burden of public trust goals
Increased predation	Reduced water supply and availability
Increased taxation	Conversion of county custom and culture
Loss of flood protection	Conflict with adjacent land uses
Loss of jobs	Increase in staff
Loss of land	Conflict with land use policies
Loss of personal property	Conflict with general plans and policies
Loss of self determination	Conflict with Right to Farm Ordinance
Loss of water reliability and availability	Reduced tax base

Loss of weed and disease control in crops	Increase exposure to flooding
Reduced social services	Increased cost of maintenance & operation
Reduced income	Increased infrastructure damage

Colusa County Vision for the Future: Year 2030

In conclusion, Family Water Alliance advocates and imagines a future where northern California remains a thriving agricultural area with a strong economy that supports communities, businesses, and local government, as well as the extensive wildlife that has historically been an integral part of the North State. CALFED must return balance to the process, recognize the authority of local government, respect the rights of citizens for self-determination, and enter into legally binding agreements to assure the northern California does not become the Owens Valley of the new millenium.